

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
2:11-cv-27-RJC**

TERRENCE LEROY WRIGHT,)
Plaintiff,)
v.)
WANDA BROOMS,)
Defendant.)

ORDER

THIS MATTER comes before the Court on Petitioner's Motion to Dismiss Without Prejudice filed on August 17, 2011. (Doc. No. 3). Petitioner requests that this Court dismiss his Complaint, (Doc. No. 1), filed on July 13, 2011, pursuant to 42 U.S.C. § 1983 without prejudice so that he can exhaust his administrative remedies.

Rule 41 of the Federal Rules of Civil Procedure allows a plaintiff to voluntarily dismiss his action without a court order prior to the opposing party serving either an answer or a motion for summary judgment. Fed. R. Civ. P. 41(a)(1)(A). In the instant case, Defendant has not yet been served and therefore no answer or dispositive motion has been filed. Therefore, Plaintiff's Motion is **GRANTED**.

IT IS, THEREFORE, ORDERED that:

- (1) Plaintiff's Motion to Dismiss (Doc. No. 3) is **GRANTED**;
- (2) Plaintiff's Complaint is dismissed without prejudice;
- (3) The Court's previous Order for Prisoner Trust Account Statement (Doc No. 2) is Withdrawn; and
- (4) The Clerk is directed to send a copy of this Order to the pro se Plaintiff.

SO ORDERED.

Signed: August 22, 2011

Robert J. Conrad, Jr.

Robert J. Conrad, Jr.
Chief United States District Judge

